



The Commonwealth of Massachusetts
 Executive Office of Health and Human Services
 Department of Public Health
 Division of Health Professions Licensure
 239 Causeway Street, Suite 500, Boston, MA 02114

CHARLES D. BAKER
 Governor
 KARYN E. POLITO
 Lieutenant Governor

Tel: 617-973-0800
 TTY: 617-973-0988
www.mass.gov/dph/boards

MARYLOU SUDDERS
 Secretary
 MONICA BHAREL, MD, MPH
 Commissioner

March 21, 2016

VIA CERTIFIED AND FIRST CLASS MAIL NO. 7015 3010 0001 6944 5154

Rosemary Patz



VIA FIRST CLASS MAIL

Rosemary Patz



I do hereby certify the foregoing to be a true and certified copy of the document on file with the Massachusetts Board of Registration in Nursing.

C. U. R. 3/24/16
 Authorized Signature Date

RE: Rosemary Patz; PT14511; PHA-2014-0072

FINAL NOTICE: SUSPENSION

Dear Ms. Patz:

On July 30, 2015, you entered into a Non-Disciplinary Consent Agreement for Stayed Probation ("Agreement") with the Board of Registration in Pharmacy ("Board"). The Agreement obligates you to comply with specified licensure conditions during the period of time while your license is on stayed probation. A copy of the Agreement is enclosed with this letter for your review.

On March 8, 2016, I sent you a Notice of Violation and Imposition of Discipline ("Notice"). A copy of the Notice is enclosed with this letter. The Notice informed you that you are in violation of the Agreement and listed the facts supporting the determination that you are in violation. The Notice also informed you that the Board authorized me to suspend your license. The Notice informed you

Rosemary Patz
 PT14511
 PHA-2014-0072
 Final Notice: Suspension

that you had a right to a hearing on the limited issue of whether you are in compliance with, or in violation of, the terms of the Agreement. Lastly, the Notice informed you that to claim your right to a hearing, you needed to submit a written statement of facts and request for a hearing within 7 days.

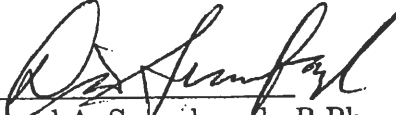
As of the date of this letter, I have not received from you a written statement of facts and a request for a hearing. Accordingly, you have waived your right to a hearing.

Effective today, March 21, 2016, pursuant to Paragraph 7 of the Agreement, the Board **SUSPENDS your license to practice as a pharmacy technician. You may not practice as a pharmacy technician in Massachusetts until the Board provides you written notice that it has reinstated your license.**

This notice constitutes a final agency action. You are hereby notified that you have a right to appeal this *Final Notice: Suspension* within thirty (30) days of your receipt of this notice, either to the Superior Court for Suffolk County or the county where you reside pursuant to M.G.L. c. 30A, § 14, or to the Supreme Judicial Court pursuant to M.G.L. c. 112, §64.

You may petition the Board to reinstate your license in accordance with **Policy No. 2011-02: License Reinstatement Following Surrender, Suspension or Revocation.** You may also contact Traci Westgate at 617-973-0894 if you have any questions regarding license reinstatement.

Sincerely,


David A. Sencabaugh, R.Ph.
Executive Director

cc: Karen Fishman, Probation Monitor

Rosemary Patz
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PHA-2014-0072
Final Notice: Suspension



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Executive Office of Health and Human Services
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MARYLOU SUDDERS
Secretary
MONICA BHAREL, MD, MPH
Commissioner

March 8, 2016

VIA CERTIFIED AND FIRST CLASS MAIL NO. 7015 3010 0001 6944 5079

Rosemary Patz
[REDACTED]

VIA FIRST CLASS MAIL

Rosemary Patz
[REDACTED]

RE: Rosemary Patz; PT14511; PHA-2014-0072

NOTICE OF VIOLATION AND IMPOSITION OF DISCIPLINE

Dear Ms. Patz:

On July 30, 2015, you entered into a Non-Disciplinary Consent Agreement for Stayed Probation ("Agreement") with the Board of Registration in Pharmacy ("Board"). The Agreement obligates you to comply with specified licensure conditions during the period of time while your license is on a stayed probation. A copy of the Agreement is enclosed with this letter for your review.

You are in violation of the Agreement. November 13, 2016, the probation monitor, Karen Fishman, sent you a Notice of Violation and Opportunity to Cure, a copy of which is also enclosed. You did not cure the violation to the Board's satisfaction in the manner prescribed in that notice. Under Paragraph 4 of the Agreement, the Board may lift the stay on the probationary licensure status and impose formal discipline against your license in the event that you violate any

Patz, Rosemary
Notice of Violation and Imposition of Discipline

provision of the Agreement. At its meeting on March 1, 2016, the Board has authorized me to **SUSPEND** your license, a disciplinary status, effective in 7 days.

The basis for the contention that you are in violation of the Agreement are as follows:


1. Per Paragraph 4 of the Agreement, you were required to submit documentation demonstrating successful completion of two contact hours of continuing education in the area of medication error prevention on or before October 30, 2015. As of the date of this letter, you have failed to submit any such documentation.

You have a right to a hearing on the limited issue of whether you are in compliance with, or in violation of, the terms of the Agreement. You may claim your right to a hearing by submitting a written statement to the Board within 7 days of receipt of this letter. Your written statement must include specific facts which support the determination that you are in compliance, and not in violation, with the provisions of the agreement identified above. Your written statement must also include a request for a hearing. Please send your written statement to:

Heather A. Engman
Board Counsel
Board of Registration in Pharmacy
239 Causeway Street, 5th Floor
Boston, MA 02114

Your failure to submit a written statement of facts and request for a hearing within 7 days shall constitute a waiver of your right to a hearing on the issue of your violation of the Agreement.

Sincerely,


David A. Sencabaugh, R.Ph.
Executive Director

cc: Karen Fishman, Probation Monitor

Patz, Rosemary
Notice of Violation and Imposition of Discipline



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
Board of Registration in Pharmacy
239 Causeway Street, Suite 500, Boston, MA 02114

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www.mass.gov/dph/boards/pharmacy

MARYLOU SUDDERS
Secretary

MONICA BHARÉL, MD, MPH
Commissioner

November 13, 2015

Sent via Certified Mail No.: 7012 3460 0001 7330 9712

Rosemary Patz
[REDACTED]

Sent via First Class Mail
[REDACTED]

RE: In the Matter of Rosemary Patz
PT License No. 14511
Docket No. PHA-2014-0072

NOTICE OF VIOLATION AND OPPORTUNITY TO CURE

Dear Ms. Patz:

On July 30, 2015, you entered into a Non-Disciplinary Consent Agreement for Stayed Probation ("Agreement") with the Board of Registration in Pharmacy ("Board"). A copy of the Agreement is enclosed with this letter for your review.

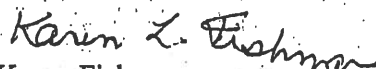
You are in violation of the Agreement. Specifically, you have not met the terms of paragraph 4(d) of your licensure conditions with respect to submitting proof of completion for at least two (2) hours of continuing education in the area of Medication Error Prevention. This requirement was due on or before October 30, 2015.

Under Paragraph 7 of the Agreement, the Board may take action against your license in the event that you violate the Agreement by failing to comply with your licensure conditions. However, based on the nature of your violation, I am authorized pursuant to Division Policy 15-01 to offer you an opportunity to cure your violation and re-establish compliance with the Agreement. To avail yourself of this opportunity, you must submit proof of completion of required continuing

education in the areas of Medication Error Prevention, and Pediatric Dosing on or before December 4, 2015.

Provided that you cure the violation in the manner prescribed by this Notice and to the Board's satisfaction the Board will refrain from taking further disciplinary action on this basis of *this* violation. The Board reserves all authority under Paragraph 7 of the Agreement in the event that you do not cure the violation in the manner prescribed by this Notice and in the event of any subsequent violation.

Sincerely,


Karen Fishman
Probation Monitor

KF/cp

Enclosure



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
239 Causeway Street, Suite 500, Boston, MA 02114

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MARYLOU SUDDERS
Secretary
MONICA BHAREL, MD, MPH
Commissioner

July 9, 2015

SENT BY REGULAR AND CERTIFIED
MAIL, RETURN RECEIPT REQUESTED
ARTICLE NO. 7014 2120 0002 1353 5138

Ms. Rosemary Patz


RE: In the Matter of Rosemary Patz, Licensee No. PT14511
Docket No. PHA-2014-0072

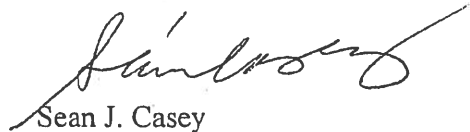
Dear Ms. Patz:

I received your signed Non-Disciplinary Consent Agreement and forwarded it to the Executive Director of the Board of Registration in Pharmacy, who approved, and likewise, signed same. Kindly note that it's effective date is July 30, 2015. I have enclosed copy of same for your review

If you have any questions or concerns, please do not hesitate to call me at (617) 973-0800.

Thank you. Have a nice summer.

Sincerely,



Sean J. Casey
Prosecuting Counsel

Enclosure

cc: KAREN FISHMAN

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Rosemary Patz)
Registration No. PT14511)
Expiration Date: 04/09/2014)

Docket No. PHA-2014-0072

**NON-DISCIPLINARY
CONSENT AGREEMENT FOR STAYED PROBATION**

The Massachusetts Board of Registration in Pharmacy ("Board") and Rosemary Patz ("Licensee"), a Pharmacy Technician licensed by the Board, Registration No. PT14511, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee acknowledges that the Board opened a complaint against her Massachusetts Pharmacy Technician registration related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2014-0072 ("the Complaint").¹
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. On or about March 27, 2012, Licensee was employed as a pharmacy technician at CVS #751, located at 434 Rantoul Street, in Beverly, Massachusetts.
 - b. On or about March 27, 2012, Licensee processed a prescription improperly, with the result that the pharmacy dispensed Torsemide (100 mg) rather than Torsemide (10 mg) as prescribed. The patient ingested this incorrect dosage.
 - c. The foregoing facts warrant action by the Board under M.G.L. c. 112, §§ 42A and 61 and 247 CMR 10.03(1)(v).

¹ The term "registration" applies to both a current registration and the right to renew an expired registration.

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3. The Licensee agrees that her Pharmacy Technician registration shall be placed on PROBATION for no less than one (1) day, and that the probation shall be STAYED for no more than 90 days ("Stayed Probationary Period"), commencing with the date on which the Board signs this Agreement ("Effective Date"). The Agreement shall be non-disciplinary until and unless the Board takes action pursuant to Paragraph 7 of the Agreement.
4. During the Stayed Probationary Period, the Licensee further agrees that she shall comply with all of the following requirements to the Board's satisfaction:
 - a. Comply with all laws and regulations governing the practice of pharmacy.
 - b. Notify the Board in writing within ten (10) days of each change in her name and/or address.
 - c. Timely renew her registration.
 - d. Submit documentation demonstrating successful completion of at least two (2) contact hours of continuing education in the area of Medication Error Prevention within 90 days of the Effective Date.²
5. The Board agrees that in return for the Licensee's execution and successful compliance with all the requirements of their Agreement, the Board will not prosecute the Complaint.
6. If and when the Board determines that the Licensee has complied to the Board's satisfaction with all the requirements contained in this Agreement, the Stayed Probationary Period will terminate no sooner than one (1) business day after the Effective Date upon written notice to the Licensee from the Board, and the Licensee shall have no history of discipline upon her record related to this Agreement or the Complaint.³

² This continuing education requirement shall be *in addition to* any contact hours required for license renewal.

³ In all instances where this Agreement specifies written notice to the Licensee from the Board, such notice shall be sent to the Licensee's address of record.

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7. If the Licensee does not comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint during the Stayed Probationary Period, the Licensee agrees to the following: ⁴
- a. The Board may upon written notice to the Licensee, as warranted to protect the public health, safety, or welfare:
 - i. LIFT the stay, resulting in the imposition of PROBATION and rendering this Agreement disciplinary;
 - ii. EXTEND the Stayed Probationary Period or, if the stay is lifted, the Probationary Period; and/or
 - iii. MODIFY the Stayed Probation Agreement requirements; and/or
 - iv. IMMEDIATELY SUSPEND the Licensee's registration.
 - b. If the Board suspends the Licensee's registration pursuant to Paragraph 7(a)(iv), the suspension shall remain in effect until:
 - i. the Board gives the Licensee written notice that the Stayed Probation and/or Probationary Period is to be resumed and under what terms; or
 - ii. the Board and the Licensee enter into a subsequent agreement; or
 - iii. the Board issues a written Final Decision and Order following adjudication of the allegations (1) of noncompliance with this Agreement, and/or (2) contained in the Subsequent Complaint.
8. The Licensee agrees that if the Board lifts the stay and suspends her registration in accordance with Paragraph 7, she will immediately return her current Massachusetts registration to practice as Pharmacy Technician to the Board, by hand or certified mail. The Licensee further agrees that upon suspension, she will no longer be authorized to engage in practice as a

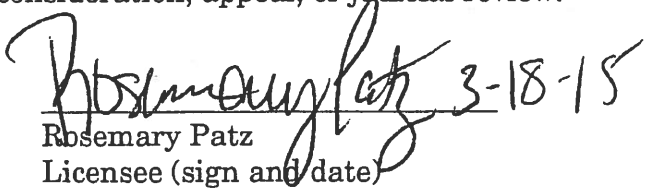
⁴ The term "Subsequent Complaint" applies to a complaint opened after the Effective Date, which (1) alleges that the Licensee engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Licensee shall have an opportunity to respond.

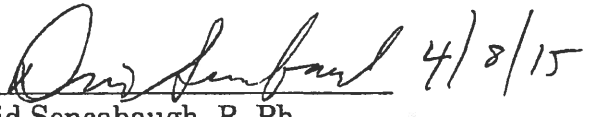
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Pharmacy Technician in the Commonwealth of Massachusetts and shall not in any way represent herself as a Pharmacy Technician until such time as the Board reinstates her registration.⁵

9. The Licensee understands that she has a right to a formal adjudicatory hearing concerning the Complaint and that during said adjudication she would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, M.G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee further understands that by executing this Agreement she is knowingly and voluntarily waiving her right to a formal adjudication of the Complaint.
10. The Licensee acknowledges that he has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
11. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record subject to the Commonwealth of Massachusetts' Public Records Law, M.G.L. c. 4, § 7.
12. The Licensee certifies that she has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal, or judicial review.

Witness (sign and date)


Rosemary Patz
Licensee (sign and date)



David Sencabaugh, R. Ph.
Executive Director
Board of Registration in Pharmacy

⁵Any evidence of unlicensed practice or misrepresentation as a Pharmacy Technician after the Board has notified the Licensee of her registration suspension shall be grounds for further disciplinary action by the Board and the Board's referral of the matter to the appropriate law enforcement authorities for prosecution.

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7/30/15
Effective Date of Stayed Probation Agreement

Fully Signed Agreement Sent to Licensee on 7/9/15 by
Certified Mail No. 7014 2120 0002 1353 5138

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